

**SUPPLEMENTAL McNAMARA DECLARATION**  
**EXHIBIT 10**

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK

HACHETTE BOOK GROUP, INC.,  
HARPERCOLLINS PUBLISHERS LLC,  
JOHN WILEY & SONS, INC., and  
PENGUIN RANDOM HOUSE LLC,

Plaintiffs,

vs.

No. 1:20-cv-04160-JGK

INTERNET ARCHIVE and DOES 1  
through 5, inclusive,  
Defendants.

\_\_\_\_\_ /

VIDEOTAPED RULE 30(B)(6) DEPOSITION OF INTERNET ARCHIVE

BY LILA BAILEY

Volume 2

Remote Zoom Proceedings

San Francisco, California

Tuesday, October 19, 2021

REPORTED BY:

LESLIE ROCKWOOD ROSAS, RPR, CSR 3462

Job No. 4842007

1 answer.

2 Q. BY MS. MCNAMARA: Did you have any discussion  
3 with Brewster Kahle about the content of the draft white  
4 paper?

5 MR. GRATZ: I'm sorry, objection. Vague as to  
6 time.

7 Q. BY MS. MCNAMARA: Prior to the publication of  
8 the paper.

9 MR. GRATZ: Okay. And then same caution to the  
10 witness regarding attorney-client communications.

11 If you can answer the question based only on  
12 non-privileged conversations, you can answer; otherwise,  
13 I instruct you not to answer.

14 THE WITNESS: I don't recall having any such  
15 conversations.

16 Q. BY MS. MCNAMARA: Okay. Turning back again to  
17 the first page of the white paper, do you see that it  
18 includes that there are five different -- in the table of  
19 contents, five different topics of the paper?

20 A. I do.

21 Q. And Topic 4 is "Takeaways: System Design and  
22 Risk Mitigation"?

23 A. I see that.

24 Q. And since you have looked at the paper, I  
25 presume you have read that section?

1 STATE OF CALIFORNIA ) ss:

2 COUNTY OF MARIN )  
3

4 I, LESLIE ROCKWOOD ROSAS, RPR, CSR NO. 3462, do  
5 hereby certify:

6 That the foregoing deposition testimony was  
7 taken before me at the time and place therein set forth  
8 and at which time the witness was administered the oath;

9 That testimony of the witness and all objections  
10 made by counsel at the time of the examination were  
11 recorded stenographically by me, and were thereafter  
12 transcribed under my direction and supervision, and that  
13 the foregoing pages contain a full, true and accurate  
14 record of all proceedings and testimony to the best of my  
15 skill and ability.

16 I further certify that I am neither counsel for  
17 any party to said action, nor am I related to any party  
18 to said action, nor am I in any way interested in the  
19 outcome thereof.

20 IN WITNESS WHEREOF, I have subscribed my name  
21 this 25th day of October, 2021.  
22

23   
24

25 LESLIE ROCKWOOD ROSAS, RPR, CSR NO. 3462